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2 **UNITED STATES DISTRICT COURT**  
3 **DISTRICT OF NEVADA**

4 \* \* \*

5 UNITED STATES OF AMERICA, )

Case No.: 2:08-cr-00064-RLH-GWF

6 Plaintiff, )

**ORDER**

7 vs. )

(Motion for Late Filing of Notice of  
Appeal – # 546)

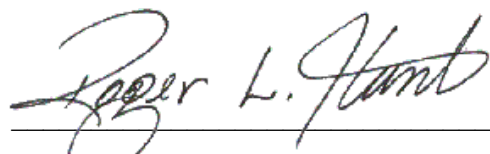
8 STEVEN GRIMM, )

9 Defendant. )  
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11 Before the Court is Defendant Steven Grimm's **Motion for Late Filing of Notice**  
12 **of Appeal** (#546, filed Aug. 12, 2013). The Court denied Defendant's Motion for New Trial, in  
13 its Order entered July 26, 2013. Counsel for the Defendant assumed that, because an appeal was  
14 currently pending with the Ninth Circuit, the Court's Order would also be covered by that appeal.  
15 However, Counsel for the Defendant has since determined this assumption to be erroneous.  
16 Defendant is within the 30-day rule prescribed for such an extension under Fed. R. App. P. 4(b)(4),  
17 and the Court finds that Counsel's erroneous assumption was excusable neglect. The Government  
18 does not oppose the Motion. For these reasons, the Court GRANTS Defendant's Motion. The  
19 Court extends the time to file a notice of appeal to September 11, 2013.

20 IT IS SO ORDERED  
21

22 Dated: August 22, 2013.  
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26 **ROGER L. HUNT**  
United States District Judge